multinational corporation?

THE DEPUTY CHAIRMAN: There are three speakers more who have to finish after lunch. We can now adjourn for lunch and conclude the debate after lunch.

The House stands adjourned till 2.30 P.M.

The House then adjourned for lunch at fortyfour minutes past one of the clock.

The House reassembled after lunch at thirty-two minutes past two of the clock, The Deputy Chairman in the Chair.

THE DEPUTY CHAIRMAN: Now, the Budget (Railways), 1989-90. Yes, Mr. Mahabir Prasad.

THE BUDGET (RAILWAYS) 1989-90

रेल मंत्रालय में उप मंत्री (श्री महाबीर प्रसाद): माननीया उप सभापति महोदया, मैं आपकी अनुमति से 1989-90 के वर्ष के लिए रेलवे के संबंध में भारत सरकार की अनुमानित आय तथा व्यय का एक विवरण (हिन्दी तथा अंग्रेजी में) सभा पटल पर रखता हूं।

THE DEPUTY CHAIRMAN: Now, we shall continue with the discussion on the Bhopal Gas issue. Yes, Mr. Chitta Basu.

SHRI K. G. MAHESWARAPPA (Karnataka): Madam, this is a politically baised Budget and several States have been neglected. As a protest against this, Madam, I walk out.

SHRI JAGESH DESAI (Maharashtra): Even before reading it? Even without reading it?

SHRI K. G. MAHESWARAPPA: I have already read it.

(At this stage, some hon. Members left the Chamber.)

THE DEPUTY CHAIRMAN: Let Mr. Chitta Basu start and those who want to walk out can do so.

SHORT DURATION DISCUSSION

Re: Settlement arrived at between the Government of India and the Union Carbide Corpn. regarding payment of compensation to the victims of the Bhopal gas tragedy. — (Contd.)

SHRI CHITTA BASU (West Bengal): Madam, I want to begin with, use some language in giving expression to my views a little charitably. Even becoming charitable, Madam, please allow me to say that the manner in which the Government has dealt with the entire position of compensaion for the Bhopal victims is nothing short of betrayal—betrayal of the interests of the victims, and the manner is nothing but despicable. This is a further example of the Government of India as to how blatantly and brazenly the Government can become an agent to subserve a multinational corporation. This is a blatant surrender and complete sell-out not only of the interests of the victims but it is a capitulation of the national interests and it is a national humiliation. Everybody should hang his head in shame as to how the Government can barter away the interest of the country. Unfortunately, Madam, the highest judiciary of our country is involved in this sordid episode. I was mentioning about the manner in which the Government of India tackled the entire issue. I am inclined to comment that the Government of India has taken upon itself the responsibility to save Carbide' operations. The entire exercise was; to save the Corporation from the wrath of the people. Much of my burden has been lessened by the previous speaker, Shri Chaturanan Mishra, who cited several examples as to the failures of the Government in the matter of the defence

of the interests of the victims and also of the nation. I only want to refer to some other issues or other incidents or the other manner in which the Government has surrendered to the multinational corporations.

Now, Madam, you might be knowing that at an earlier stage a Commission was set up to enquire into in depth the tragedy under the chairmanship of Mr. N. K. Singh. Madam, you will be astonished to know that for several years the Commission was not allowed; to function, and as a matter of fact, ultimately, after two years the Commission was wound up. This is another example as to how the Government of India tackled the entire matter because they wanted; to cover up the misdeeds and failures of the Carbide.

Now, there was an appeal in the United States to get the case tried in the United States. And there was no strong, determined, sustained attempt to get the case tried in the United States. They faltered, although the Government paid more than Rs. 25 crores by way of legal expenses. Thirdly, when it was finally decided the Government accepted that the trial will take place in India.(*Time bell rings*)

I have not yet started, Madam.

THE DEPUTY CHAIRMAN: Mr Chitta Basu, you will have to end sooner or later. I have already told that we have got half an hour. (*Interruptions*) I must remind you that we have got three speakers: Mr. Bhattacharya, yourself and Mr. Pachouri, who comes from Bhopal. You please confine your speech to the limited time.

SHRI CHITTA BASU: Now, the question of time, delay, is being referred to. Was it not possible for the Government to setup special courts to try these cases? The Government, as has been earlier mentioned, allowed the Chairman of the Carbide to go away from this country. Are these not cases of betrayal? Now, at a particular point of time there was the question of having out of court settlement. Madam, I want to refer to a very important statement made by some important jurist on the very principle of the out of court settlement. I read a particular portion from the statement of Justice Rajendra Sachar, Justice P. S. Poti, P. N. Haksar, Govind Narain, Govind Mukhoty, Romila Thapar, S. Gopal, Upendra Baxi and Tara Ali Beg I quote:

> "An out-of-court settlement will involve a dereliction on the part of the Government of the duty it has assumed to secure justice for the victims. Such a compromise will absolve the Union Carbide of its legal liability for the mass disaster."

This was the opinion expressed by no less important persons than those whom I have mentioned earlier.

Here comes the question of collusive relations between the Government of India and the Company. After going back to the United States, Mr. Anderson met a group of journalists and the question about an out-of-court settlement was raised. He said and I quote:

> "Maybe they (that is the Indian Government) will try to solve their balance of payment problem or their national debt problem or maybe they will be realistic."

That means that the Government of India also did not agree that there should be an out-of-court settlement.

THE DEPUTY CHAIRMAN: Mr. Chitta Basu, will you please conclude?

SHRI CHITTA BASU: There was no question of an out-of-court settlement. The question of settlement came from Anderson. It means that there was a

collusion between the Company and the Government.

THE DEPUTY CHAIRMAN: Please conclude, Mr. Chitta Basu. It is unfortunate that your party has very little time. It is not in my hands.

SHRI CHITTA BASU: I will take one minute more.

THE DEPUTY CHAIRMAN: There are two more speakers and the Minister has to reply. At 3.30, we are starting the Motion of Thanks on Presidents' Address.

SHRI CHITTA BASU: The compensation is ridiculously low. It has been stated by *Zahrili Gas Kand Sangharsh Morcha* that the compensation of Rs. 715 crores will not be adequate to rehabilitate the MIC victims as it would, on disbursement, come to Rs. 5000/- to the survivors after payment of the compensation debt up-to-date. It means that the amount which has been agreed upon will provide relief of not more than Rs. 5000/-. Is it at all a relief?

My last point is that the company is not paying anything by way of compensation. On meticulous calculation, you will find that the Union Carbide will pay only Rs. 40 crores from their funds because they have got an insurance cover of Rs. 375 crores and then they have a reserve fund of Rs.300 crores. It comes to Rs. 675 cores. Out of this amount of Rs. 715 crores, the company will have to pay only Rs. 40 crores from their funds. Is it not a bonanza?

Madam, you will not allow me more time. As I have siad earlier, I oppose it and I feel that the House will express its contempt against this kind of sell-out and surrender to a multi-national corporation. It is not only a sell-out of the interests of India, but it is a great blow to the interests of the Third-World countries because this case will always be cited by these multinational corporations all over the world in order to deprive the victims of this kind of disaster if it ever happens in any other part of the world.

श्री सुरेश पचौरी (मध्य प्रदेश): माननीय उपसभापति महोदया, इंसानी जिन्दगी में कभी-कभी ऐसे क्षण आते हैं जब हमें राग-द्वेष से परे रहकर मानवता के आधार पर जीवन की संवेदनाओं के बारे में कुछ निर्णय लेने होते हैं। उच्चतम न्यायालय द्वारा यूनियन कार्बाइड गैस दुर्घटना के संदर्भ में दिया गया निर्णय एक ऐसा ही उदाहरण है जो हमारे कर्तव्य-बोध को झकझोर रहा है। 2-3 दिसम्बर, 1984 की रात को भोपाल में जो हादसा हुआ वह एक हृदय विदारक सीन था जिसका शब्दों में वर्णन नहीं किया जा सकता है।

महोदया, मैं न केवल उसी शहर से हूं बल्कि मैं उसी मोहल्ले से हूं जहां यह हादसा गुजरा। 2-3 दिसम्बर, 1984 की रात को यूनियन कार्बाइड नामक बहुराष्ट्रीय व्यापारिक राक्षस ने अपने जहरीले डैने फैलाए और वे लाखों लोग जो अमन-चैन की जिन्दगी जी रहे थे, उनमें से हजारों को यूनियन कार्बाइड से निकली जहरीली गैस ने चिरनिद्रा में सुला दिया। आज उस हादसे को चार साल से ऊपर हो चुके हैं। चार साल बाद भी वहां की पीड़ित आबादी की कराहों और सिसकियों से दिनचर्या प्रारंभ होती है। यूनियन कार्बाइड का नाम लेने से वहां दहशत फैल जाती है। मौत से जिस शहर की गली में सन्नाटा नहीं होता, वहां यह हादसा रोज़मर्रा की चीज़ बन गया है। मैं यहां यह इसलिए कह रहा हूं, मान्यवर महोदया, कि अक्सर सुनने में आता है कि दिन-प्रतिदिन इस गैस से प्रभावित लोगों की मृत्यु हो रही है। गैस से प्रभावित होने वाले लोगों की मृत्यु दर में बढ़ोत्तरी होती जा रही है। इस घटना के समय मृतकों की संख्या लगभग 1800 बताई गई थी जो आज बढ़कर 3300 बताई जा रही है। चार साल के बाद भी हम यह मालूम नहीं कर सके हैं कि यूनियन कार्बाइड से यह जो गैस रिसी, एम० आई० सी० गैस, इसका सही इलाज क्या है। हम यूनियन कार्बाइड को इस चीज़ के लिए बाध्य नहीं कर सके, जिसकी रिसर्च एंड डेवलपमेंट विंग अपनी खुद की है कि जब यह मैन्युफैक्चर कर रहे थे तो उसके पास इसका इलाज होना चाहिए था कि यदि यह गैस रिसती है तो उसका इलाज क्या है? हम उसके लिए उसे बाध्य नहीं कर सके और आज भी लोग तड़प-तड़प कर मर रहे हैं। जब इस निर्णय की यहां समीक्षा की जा रही है तो इस संदर्भ में मैं यह बात कर रहा हूं क्योंकि उस गैस के आफ्टर इफैक्ट्स भी वहां के लोगों को भुगतने पड़

रहे हैं। हजारों निराश्रितों, बेसहारा और अनाथों की बेबसी को बर्दाश्त किए हुए यह शहर बड़ी बेसब्री से न्यायालय के फैसले का इन्तजार कर रहा था। अन्ततोगत्वा न्यायालय ने फैसला दिया लेकिन इसके पहले कि हम न्यायालय के फैसले की समीक्षा करें, हमें यह देखना होगा कि यूनियन कार्बाइड भोपाल में कब, कैसे और किन परिस्थितियों में आई।

1969 में यूनियन कार्बाइड की स्थापना की गई, जब यह केवल पेस्टीसाइड्स प्लांट के रूप में आया। बाद में कार्बामेंट, पैस्टिसाइड्स और टैमिक का इसको लाइसेंस मिला। लेकिन किन परिस्थितियों में मिक का इनको लाइसेंस मिला और मिक का लाइसेंस देने के लिए कौन जिम्मेदार थे इस बात की भी जांच की जानी बहुत जरूरी है। यदि मिक का लाइसेंस किन्ही परिस्थितियों में दिया गया तो क्या सेफ्टी मीजर्स ऐप्लाई किए गए? इस बात पर भी विचार करना जरूरी है।

महोदया, कार्बाइड जो मैन्युअल 1976 में निकला उसमें इस बात को बताया गया था कि मिक गैस रिऐक्टिव है, टाक्सिक है, फ्लेमेबल है, पाइजनस है इनहेलेशन में नुकसानदायक है। यह सब हादसा गुजरा, कई लोगों की जानें गई और उसके बाद लोगों ने अपने क्लेम्स भरे। जहां मैं यह कह रहा हूं कि गैस से प्रभावित लोग बड़ी बेसब्री से मुआवजे का इंतजार कर रहे थे, भारत सरकार ने जो मांग 3 अरब 20 करोड़ डालर के रूप में की थी, इस निर्णय के उपरांत उसे 705 करोड़ रुपया मिला यानी 47 करोड़ डालर। 47 करोड़ डालर में हमने यूनियन कार्बाइड को उसके अपराधों से आजाद कर दिया। तो यह 47 की संख्या भोपालवासियों के लिए बड़ी चुभने वाली हो गई है। लेकिन दूसरी परिस्थितियां भी हैं जिन पर गौर करना जरूरी है। जो मुआवजे की राशि उनको मिली, क्या वह उपयुक्त मिली, इस पर हमें विचार करना है। मैं बड़ी विनम्रतापूर्वक कहना चाहता हूं कि यह निर्णय सामयिक निर्णय है क्योंकि यदि गैस से प्रभावित लोगों को लंबे समय तक मुआवजे का इंतजार करना पड़ता तो शायद गैस से प्रभावित लोगों में से बहुत कम लोग बचते। इसके निर्णय में लगभग 20 वर्ष लगते जैसा कि कानून के ज्ञाता लोगों ने बताया है। तो यह निर्णय एक अच्छा निर्णय है और यह निर्णय सामयिक है। मुझे यह भी कहने की इजाजत दी जाए कि जो राशि मुआवजे की दी जा रही है वह पर्याप्त नहीं है। गैस से प्रभावित लोगों के लिए यह उपयुक्त राशि नहीं है। हमें कुछ ऐसे उपाय करने होंगे कि गैस से प्रभावित लोगों के लिए जो कारगर कदम उठाए जा रहे हैं उनके लिए ज्यादा से ज्यादा वित्तीय साधनों की व्यवस्था केन्द्रीय सरकार अपने किसी न किसी मद में से करे। शताब्दी की सबसे बड़ी औद्योगिक दुर्घटना जिसका आधार मनुष्य की लापरवाही था, इसे मनुष्य की मूर्खता या अर्थ-लिप्सा का एक अच्छा खासा उदाहरण कह सकते हैं। स्वयं एक अंतर्राष्ट्रीय औद्योगिक संस्थान कहलाने वाला प्रबंध जाल कितना निर्मम, कितना क्रूर, कितना कुटिल और कितना कुत्सित चालों के चलने वाला हो सकता है, यह इस हादसे से देखने को मिलता है।

महोदया, इसका असर साल, दो साल या 10 साल तक नहीं होना है बल्कि इसका असर सालों तक होना है। आपको इस बात की जानकारी है कि वहां गर्भवती महिलाओं के अबोर्शन अपने आप हो जाते हैं और जो बच्चे पैदा हो रहे हैं उनके बारे में यह जानकारी है कि वे अपंग पैदा हो रहे हैं किसी की नाक नहीं है। किसी के कान नहीं हैं, किसी का हाथ बेकार है। तो आगे आने वाली संतति पर, हमारी अगली पीढ़ी पर इसका प्रभाव पड़ने वाला है। तो जहां हम इस निर्णय के बारे में बात कर रहे हैं तो हमें इस बारे में भी विचार करना होगा कि आगे आने वाली पीढ़ी को कैसे सुरक्षित रखा जाए और गैस से प्रभावित लोगों को सारे साधन कैसे मुहैय्या कराए जाएं कि वे अपनी जिन्दगी की गुजर-बसर अच्छे ढंग से कर सकें और एक बेहतर जिन्दगी गुजार सकें। क्रूरता और कुत्सता का अध्याय दो और तीन दिसम्बर, 84 को ही समाप्त नहीं हुआ बल्कि उसके बाद कुटिलता और कपट का सही अध्याय आरंभ हुआ जिस पर यह सदन यहां बहस कर रहा है।

महोदया, भोपाल की जनसंख्या 9 लाख 39 हजार है जब कि प्रभावित लोग 5 लाख 79 हजार 27 है। इस सदन ने भोपाल गैस डिसास्टर एक्ट 1985 पास करके केस डील करने का अधिकार भारत शासन को दिया था। यू०एस०ए० में जो केस चल रहा था कई लोग अपना मकसद इसमें हल कर रहे थे। कई निःस्वार्थी तत्व भारत सरकार की इस बात की आलोचना कर रहे थे कि यू०एस०ए० में क्यों केस चलाया जा रहा है, भारत में क्यों नहीं चलाया जा रहा है। सरकार की कई तरह से आलोचना की जा रही थी। बाद में केस सुप्रीम कोर्ट में चला। सैटलमेंट हुआ तो सरकार के समक्ष इसके अतिरिक्त कोई और उपाय नहीं था कि इस निर्णय को माने, इसको शिरोधार्य करे। यद्यपि मैं कानूनविद नहीं हूं लेकिन मुझे बताया गया है कि नार्मल प्रोसिजर में 20 वर्ष लगते हैं। यह पहली मर्तबा है कि कोई मल्टी नेशनल कंपनी इतनी अधिक राशि का भुगतान कर रही है। यह भी बताया गया है कि कोई भी सैटलमेंट जो

स्टेट कोर्ट द्वारा किया जाता है वह यू०एस०ए० में डिस्ट्रिक्ट कोर्ट में चैलेज हो जाता है। कम्पेलक्सिटी होती तो 6 लाख लोगों के क्लेम डील करने में काफी समय लगता जो कि लगभग 5 लाख 88 हजार 875 व्यक्तिगत क्षति के रूप में है। जैसा मैंने कहा मैं कानूनविद नहीं हूं। मैं यहां अपने वतन के लोगों का एक खादिम के रूप मे खड़ा हो कर बोल रहा हूं। भोपालवासियों का एक साधारण सेवक के रूप में बोल रहा हूं। जो लोग इस बात को उठा रहे हैं कि सुप्रीम कोर्ट ने यह फैसला दिया, वह फैसला दिया मैं उनसे विनम्रतापूर्वक पृछना चाहता हू कि क्या वह यह गांरटी ले सकते हैं कि अगले एक या दो वर्ष से गैस से प्रभावित लोगों के लिए फैसला दिला देंगे? क्या वह गारंटी ले सकते हैं कि स्टेट कोर्ट या सुप्रीम कोर्ट ने फैसला कर दिया वह फिर यू०एस०ए० के डिस्ट्रिक्ट कोर्ट में चैलेंज नहीं होगा? इस बात का उल्लेख किसी ने नहीं किया।

कुछ लोगो ने इस बात पर आपत्ति की कि उन लोगों को कान्फीडेम मे नहीं लिया गया। मध्य प्रदेश स्तर पर और भोपाल स्तर पर राहत एवं पुनर्वास समिति बनायी गयी जिसमे विभिन्न दलों के लोगों का समावेश किया गया। सभी राजनीतिक दलों के लोग, सभी समाजसेवी संगठन के लोग उसमें है। मैं स्वयं भी उसमें हू। मै इस विवाद में नहीं जाना चाहता कि उस समिति में सदस्यता ग्रहण करने के बाद कौन कितना किस रूप में, कितनी ईमानदारी से, कितनी तल्लीनता से, कितनी संजीदगी से गैस से प्रभावित लोगों के बीच में काम कर रहा है। मैं इस विवाद में भी नहीं जाना चाहता कि जो नेता यहां चीख-पुकार कर रहे हैं उसमे से कितने गैस से प्रभावित क्षेत्र में गये हैं या उनके दल के आज भी गैस से प्रभावित क्षेत्र मे उनके बीच पहुंच कर उनकी सेवा कर रहे हैं। गैस से पीड़ित लोगों की जो दयनीय स्थिति है उसका उल्लेख पहले भी सदन मे मैं कई बार कर चुका हूं। उनके फेफड़ों की क्या हालत है, उनकी शारीरिक क्षमता की क्या हालत हो गयी है। उनकी मानसिक स्थिति की क्या हालत हो गयी है। मैं उस विवाद में ज्यादा नहीं जाना चाहता। मैं उन उपायों के ऊपर जाना चाहता हूं... (**व्यवधान**) (**समय की घंटी**) जो किया जाना आवश्यक है इस सुप्रीम कोर्ट के फैसले के बाद।

श्री वीर भद्र प्रताप सिंह (उत्तर प्रदेश): यह भोपाल के रहने वाले हैं इनको थोड़ा और बोलने दीजिए।

उपसभापति: समय का सवाल है। मैं तो चाहूंगी वह एक घंटा बोले।

श्री वीर भद्र प्रताप सिंह: जो आदमी हृदय से बोल रहा है उसकी बात को सुनिये।

3.00 P.M.

श्री सुरेन्द्र सिंह ठाकुर: महोदया, आप इनको मेरा समय भी दीजिये।

उपसभापति: आपका नाम इसमें नहीं है।

श्री सुरेन्द्र सिंह ठाकुर: मैंने नामं तो दिया था।

श्री सुरेश पचौरी: महोदया, जब भोपाल गैस हादसे का जिक्र आता है तो मेरे सामने वह सीन आ जाता है जब हमने लाशों को अपने हाथों से उठाया था और एक दो लाशों को नहीं, 50-50 और 100-100 लाशों का दाह-संस्कार अपने हाथों से अपने सामने हमने किया था। मै इस विवाद को राजनीति में नहीं डालना चाहता हूं। मैं कहना चाहता हूं कि निर्णय हो गया है, राशि मिलने वाली है। लेकिन अब क्या उपाय किये जाने आवश्यक हैं, इस पर सोचा जाना चाहिए। जब हम इसकी चर्चा करते हैं तो मैं मंत्री महोदय से कुछ स्पष्ट आश्वासन चाहता हूं। सरकार ने गैस त्रासदी के बाद पर्यावरण, पशु और जन-जीवन के शरीर पर पड़ने वाले प्रभाव का अध्ययन करने के लिए एक वैज्ञानिक आयोग का गठन किया है और भोपाल में एक रीजनल रिसर्च लेबोरेटरी है जो गैस इफेक्टड लोगों के लिए रिसर्च वर्क कर रही है। अब उस रिसर्च लेबोरेटरी को बी०एच०ई०ए०-ल० को हैंड ओवर किया जा रहा है। मैं मंत्री महोदय से यह आश्वासन चाहता हूं कि इस लेबोरेटरी की इंडिविजुएलिटी को बरकरार रखा जाना चाहिए ताकि वह रिसर्च वर्क करती रहे। इसका मंत्री महोदय स्पष्ट आश्वासन दे। यूनियन कार्बाइड के खिलाफ जो आपराधिक मामले थे वे उठा लिये गये हैं। ऐसी स्थिति में जो लोग समय समय पर प्रदर्शन करते रहे है और यूनियन कार्बाइड से प्रभावित लोगों के संबंध में मांगे रखते हैं उनके खिलाफ भी आपराधिक प्रकरण दर्ज किये हैं, मैं मंत्री महोदय से यह आश्वासन चाहता हूं कि जो स्वयं सेवी संस्थाएं और समाज सेवी संगठन व कार्यकर्ता गैस से प्रभावित लोगों के संबंध में आवाज उठाते रहे हैं उनके खिलाफ जो प्रकरण दर्ज किये गये हैं उनको भी वापस लिया जायेगा। प्रायः बहुसंख्यक गैस पीड़ित लोग शारीरिक रूप से अपनी रोजी रोटी कमाते हैं। अब उनकी क्षमता कम हो गई है। उन्हें जो चिकित्सा सुविधायें प्रदान की जा रही हैं और उस पर जो खर्च आएगा वह खर्च भी केन्द्रीय सरकार वहन करे, इस संबंध में स्पष्ट आश्वासन मैं मंत्री महोदय से चाहता हूं। गैस से पीड़ित

लोगों के समाने रोजी रोटी की भी अहम समस्या है। प्रदर्शनकारियों की यह प्रमुख मांग रही है कि उनकी रोजी के लिए प्रशिक्षण व रोजगार की गारंटी होनी चाहिए ताकि उनकी क्षमता के आधार पर उनको रोटी मुहैय्या की जा सके। इस संबंध में जब भी प्रधान मंत्री जी समय समय पर भोपाल गये हैं, गैस पीड़ितों के बीच मे गये हैं, तो उन्होंने इस बात को स्वीकारा है कि गैस पीड़ितों को वरीयता के आधार पर, प्राथमिकता के आधार पर रोजगार मुहैय्या करने की व्यवस्था की जानी चाहिए। गैस से प्रभावित लोगों के उपचार, पुनर्वास और रोजगार के लिए सात वर्षों का एक्शन प्लान मध्य प्रदेश सरकार ने केन्द्र सरकार के सामने प्रस्तुत किया है जो 371.29 करोड़ रुपयों का है। यह 371.29 करोड़ रुपयों की राशि अपनी मद से केन्द्र सरकार पूरी की पूरी दे। ऐसा आश्वासन मैं मंत्री महोदय से चाहता हूं। जैसा पहले भी कहा जा चुका है, जो राशि मिली है वह अपर्याप्त है। अब हमें इस बात पर विचार करने की आवश्यकता है कि हमारी तरफ से गैस पीड़ित लोगों के लिए क्या किया जाना चाहिए। इस संबंध में उस तरफ के लोगों ने स्पष्ट कुछ नहीं कहा है। इसलिए मैं आपका थोड़ा वक्त लेने की अनुमति चाहता हूं। गैस पीड़ितों को राहत देने और उनके पुनर्वास के लिए केन्द्रीय सरकार ने मध्य प्रदेश सरकार को 51 करोड़ रुपये दिये हैं जिसमे से 89 करोड़ रुपये मध्य प्रदेश सरकार खर्च कर चुकी हैं। मैं मंत्री महोदय से यह आश्वासन चाहता हूं कि इस राशि को मुआवजे में मिली राशि, 705 करोड़ रुपयों में से नहीं काटा जाना चाहिए और यह पूरी की पूरी राशि ब्याज रहित, जो कि ब्याज सवा नौ प्रतिशत के हिसाब से केन्द्र सरकार ने राज्य सरकार को दिया है, वह ब्याज रहित राशि पूरी की पूरी राज्य सरकार को दी जानी चाहिए। महोदया, मुआवजा मिलने के बाद 705 करोड़ रुपये की राशि का समुचित बंटवारा एक अहम सवाल है। सही लोगों को, सही मायनों में उसका बंटवारा हो सके इसके लिये दावा संचानालय की स्थापना की गई है और उसके लिये कल्याण आयुक्त की नियुक्ति की गई है। लेकिन उसके पास पर्याप्त स्टाफ नही है। मैं आपसे वही बातें कह रहा हूं जो अब एफेक्टिव होगी। कानून के संदर्भ में बहुत सारी बाते कही जा चुकी हैं। जो कमिश्नर है, 5 लाख-6 लाख के करीब क्लेम भरे जा चुके है लेकिन उसके पास पर्याप्त स्टाफ नहीं है। करीब 2 हजार लोगों का वह प्रति दिन क्लेम डिसाइड करेगा। तो उसके लिये स्टाफ की आवश्यकताये है। इसलिये मेरा सरकार से अनुरोध है कि इसके लिये वित्तीय साधन यहां से उपलब्ध कराये जाये। यह काफी जरूरी है।

तत्काल राहत देते समय राशन, दूध और नकद भुगतान में कुछ भ्रष्टाचार की शिकायतें आई थीं। जिन पर गौर करने की जरूरत है। यह एक मानवीय मसला है। इस संबंध में मेरा सवाल है कि पीड़ितों और मरने वालों के आश्रितों को मुआवजे की कुल राशि का कुछ भाग नकद दे दिया जाए और बाकी राशि एन्युयटि डिपोजिट में रख दिया जाए ताकि इन पीड़ितों को प्रति माह एक निश्चित राशि नियमित रूप से मिल सके। उदाहरण के तौर पर महोदया, 7 सौ करोड़ रुपया का वार्षिक ब्याज 70 करोड़ रुपये के लगभग होगा। अगर मुआवजे की आधी राशि बैंक में रखी जाती है, डिपोजिट कर दी जाती है तो इस राशि का ब्याज तीन करोड़ रुपया मासिक होगा। जिसका अर्थ होगा कि 30 हजार गंभीर रूप से पीडित व्यक्तियों को प्रति माह एक-एक हजार रुपये की राशि मिलती रहेगी।

एक और बात है कि भोपाल में एम०आई०सी० का टैंक अभी भी यूनियन कार्बाइड का है इस संबंध में किसी ने भी ध्यान आकर्षित नहीं किया कि जो रेसीड्यूल हैं वे अभी भी वहां विद्यमान हैं। मैं चाहूंगा कि मंत्री महोदय अपने रिप्लाई में उसको डिस्ट्रआय करने के संबंध में स्पष्ट आश्वासन दें और वह जो एम०आई०सी० का जो रेजीडयूयल है उसको डिस्ट्रआय किया जाय। साथ ही जो 87 एकड यूनियन कार्बाइड की जमीन है वह किसी अच्छे परपज के लिये स्थानान्तरित कर दिया जाय और वहां पर एंसिलरी यूनिटें खोली जानी चाहिये चाहे वह टैक्सटायल डिपार्टमेंट की हों, चाहे रेलवे डिपार्टमेंट की हों और चाहे वह किसी अन्य डिपार्टमेंट की हो।

उपसभापति: अभी आपका कन्क्लूड नहीं हुआ है क्या?

श्री कमल मोरारका (राजस्थान). मिनिस्टर साहब ने एयर फोन भी नहीं लगा रखा है और वे हिंदी भी नहीं समझते।

THE MINISTER OF INDUSTRY (SHRI J. VENGAL RAO): I can understand.

उपसभापति: पचौरी जी आप समाप्त कीजिए।

The Minister has to reply.

श्री सुरेश पचौरी: महोदया, मैं जल्दी अपनी बात समाप्त करूंगा।

मैडम, मैं यह बात कर रहा था कि कुछ लोगो ने यह बात उठाई कि उनको कांफिडेंस मे लिया जाना चाहिये था निर्णय लेने से पहले। महोदया, सुप्रीम कोर्ट में ऐसी कोई व्यवस्था नहीं है जिससे कांफिडेंस मे लिया जाता। यह तो सुप्रीम कोर्ट का निर्णय है। लेकिन इसके पहले विभिन्न प्रतिनिधिमंडल संबंधित मत्री और प्रधानमत्री से मिले थे जिनमें विभिन्न राजनैतिक दलों के लोग थे 26 नवम्बर 1988 को एक प्रतिनिधिमडल इनसे मिला जिसमें भारतीय जनता पार्टी के विधायक श्री बाबूलाल गौड़ मौजूद थे कम्युनिस्ट पार्टी के आदरणीय बालकृष्ण गुप्ता जी थे और उसमे शहर के काज़ी साहब भी थे। उसमे यह बात उठाई गई थी कि किस तरीके से प्रभावित लोगों को जल्दी मुआवजा दिलाने की व्यवस्था की जानी चाहिये। जल्दी मुआवजा किस और किन किन सूरतों और किन हालातों मे दिलाया जा सकता है। महोदया, मै यह नहीं कहता कि विभिन्न योजनाओं के तहत विपक्षी दल ने क्या किया। औद्योगिक इकाइया जो वहां गठित हुई, विधवा महिलाओं को पेंशन दिलाने के लिये, निराश्रितों को पेशन दिलाने के लिये आई०सी०डी०एस० स्कीम के तहत अनाथ बच्चों के लिये कुछ न कुछ करने के लिये विपक्ष दल के लोगों ने क्या भूमिका निभाई। लेकिन मै एक बात कहना चाहता हूं कि यदि हमने कुछ किया तो हमने अपना फर्ज़ अदा किया, हमने उन पर कोई एहसान नहीं किया। इतिहास इस बात का साक्षी है कि कौन कितनी तल्लीनता से किस हद तक सक्रिय रहा। राज्य शासन ने भी विपदा के समय और विपदा के बाद व्यापक पैमाने पर कई कदम उठाए है गैस से प्रभावित लोगों को राहत पहुचाने के लिए, पुनर्वास के लिए खाने के लिए और चिकित्सा के लिए, आर्थिक पुनर्वास के लिए पर्यावरण सबधी सुधार के लिए **(समय की घंटी)** सामाजिक पुनर्वास के लिए राहत की व्यवस्था के काफी अनुकरणीय कदम उठाए है **(समय की घंटी)**

उपसभापति: आप कन्क्लूड कर दीजिए। I cannot allow you any more time. Because we have shortage of time.

डा० रत्नाकर पाण्डेय (उत्तर प्रदेश): पांच मिनट मे समाप्त कीजिये

THE DEPUTY CHAIRMAN: You don't direct as if from the Chair You please keep quite I don't like Members saying "five minutes", "six minutes". It is for the Chair to decide.

श्री सुरेश पचौरी : मैं केवल इतनी बात कहना चाहता हूं कि यह जो मसला है यह मानवीयता से जुड़ा हुआ मसला है। इसको राजनीति से नहीं जोड़ा जाना चाहिये जैसे कि लोगों ने इस संदर्भ में कुछ बाते कहीं। दुर्भाग्य की बात है कि पहले ही दिन से लोगों ने इसको राजनीति मे घसीट लिया था। पिछले चुनावों में मैं आपको याद दिलाना चाहता हूं कि जब पिछले लोक सभा और विधान सभा के चुनाव हुए तो यूनियन कारबाइड संबंधी पोस्टर प्रकाशित किये गये इस हादसे से संबंधित पोस्टर प्रकाशित किये गये लेकिन उसका हश्र क्या हुआ। भोपाल मे या अन्य जगह चुनाव हुए तो कांग्रेस जीत गई। भोपाल मे चुनाव इस हादसे की वजह से स्थगित कर दिया गया था लेकिन जब लोक सभा का चुनाव हुआ तो हम जीते। वहां की जनता ने यह स्वीकारा कि कौन ईमानदारी से कौन तहेदिल स उनके दुखदर्द को समझ रहा था, उनके दर्द को बाट रहा था और उनकी सेवा कर रहा था। उस विषैले वातावरण मे सब से पहले भोपाल में लाखों अधमरे लोगों के बीच में यदि कोई जा कर खड़ा हुआ था, यदि किसी फरिश्ते का नाम था तो वह हमारे नेता आदरणीय राजीव गांधी थे जो गैस त्रासदी के बाद एकदम वहा के लोगों के दर्द को समझते हुए सेवा भावना मे उनके बीच मे पहुंचे और उनकी राहत और पुनर्वास की व्यवस्था की। समय समय पर वे इस बात के लिए चिन्तित रहते है कि ज़हरीली गैस से प्रभावित लोगों की राहत और पुनर्वास की पर्याप्त व्यवस्था की जाए और उन लोगों को रोजगार मुहैय्या कराया जाए और भी जो जो यथासभव प्रयास उनके जीवन स्तर को बेहतर बनाने के लिए किये जा सकते हैं वह किये जाएं। धन्यवाद।

THE DEPUTY CHAIRMAN: We have one speaker, Prof. Sourendra Bhattacharjee. Five minutes, he will take. Then the Minister.

PROF. SOURENDRA BHATTACHARJEE (West Bengal): Thank you. It has been amazing how often....

THE DEPUTY CHAIRMAN: Prof Bhattacharjee, please, five minutes, I am looking at the watch

PROF. SOURENDRA BHATTACHARJEE: It will be just a bit more Madam. I will speak to the schedule.

THE DEPUTY CHAIRMAN: I am sorry. We have the reply, and we have other business.

PROF. SOURENDRA BHATTACHARJEE: That I know. But the intervening time, Madam, you also do consider.

Anyway, Madam, it has been amazing to hear repeatedly and from the last speaker also that this issue should not be politicised. This has been stated very often in the House where all the members, besides being human beings, are political beings also. Either it is in favour of the Government or against the Government. On both sides politics is involved. So, this argument has very little relevane.

When this issue was sought to be discussed, it was sought to be discussed because because it was controversial, and there was no wonder that the parties to this settlement, to the compromise, were taken to task, meaning, the Government of India and the Supreme Court of India unfortunately. I do not remember many occasions when the supreme Court or the judiciary as such had been taken to task by this House either from this side or from that side. Well, this is a unique case wherein certain questions remain even after the former Justice of the Supreme Court, hon. Mr. Baharul Islam explained the compulsions before the Supreme Court. But the supreme Court, though its functioning is to be public, has not stated whether the decision regarding the settlement was made *suo motu* or at the suggestion of the parties to the dispute, meaning, the Government of India and the Union Carbide Corporation. Why that could not be told, why that could not be explained is something inexplicable. Even now the Supreme Court owes it to Parliament to make a clean breast of its modus operandi in arriving at this settlemt. Otherwise, the conclusion would be inescapable that justice was sacrificed at the altar of something else.

While hearing the last speaker, the speaker preceding me, I was enraptured to listen to the merit of the compromise, the absolute merit, the inexplicable merit. Among the earlier speakers even on that side, Mr. Bhandare accepted that the amount was small. If I remember correctly, Mr. Anand sharma also accepted that part though he told that this is the highest figure which has been received as compensation in the world. The hon. Member, Shri Sukomal Sen, had settled that argument. Today also that argument was settled. Now that fact has also not been corroborated. The ex-justice, Mr. Baharul Islam clearly suggested that the Supreme Court should *suo motu* review its order. So, practically in spite of all the verbal duel from this side and that side, certain common points have emerged that the amounts is very small, that criminal liability should not be extinguished, as this settlement denotes that once and for all it settles the issues involved in the case of colossal human tragedy. Mere citations should not be there. The Government should be prepared to come forward to place all the facts and should explain why the facts were not placed before the people earlier. I there was bona-fides on their part, nothing prevented them to come out in the open in an open court which is a part of the system in our country. Why was not that done? That needs to be explained. I hope the Minister will explain it. Let us not try to confuse the issue. There was not a case for any out-of-court setlement on an issue which was taken to the judiciary. I would not like to denigrate the judiciary, but the question of International Court of Justice and other things have been involved with it. The name of the Chief Justice is before a Committee of which the ex-Chief Justice is a member. These

facts have come to the open. These are very unsavoury facts. It is the responsibility of the Government that courts are not brought into questionable dealings. If there is to be a secret deal, let it be between the multi-nationals and the Government of India who have been having some deals from the time of its beginning. Why should you bring the Supreme Court of India into disrepute and all the institions of the country? With these, Madam, I thank you for giving me the time to speak on this important matter.

SHRI J. VENGAL RAO: Madam Deputy Chairman, I have listened with great care and interest the issues that have been raised by the hon. Members of this House in respect of a matter which deserves to be considered in all aspects. The course of litigation arising out of the disaster has naturally been followed with keen interest not only in India but also in several parts of the world. Several issues have been raised from time to time. Many of these were raised and forgotten when the logic of action taken by Government became apparent. In fact, after listening to my friends in the Opposition I get the uneasy feeling that while in england the King can do no wrong in our country, our friends in the Opposition would like everyone to believe that Government can do nothing right.

SHRI B. SATYANARAYAN REDDY (Andhra Pradesh): That is cent per cent correct.

SHRI J. VENGAL RAO: For the sake of yourself only I quoted this sentence.

DR YELAMANCHILI SIVAJI (Andhra Pradesh): I would advise the hon. Minister to preach the same thing to their partymen in Andhra Pradesh, Karnataka and Tamil Nadu.

SHRI J. VENGAL RAO: Your N. T. Rama Rao in one stroke rolled down 31 heads

DR. YELAMANCHILI SIVAJI: Let Mr. Rajiv Gandhi also do the same thing.

SHRI B. SATYANARAYAN REDDY: That is are revolutionary step.

SHRI J. VENGAL RAO: That is also not a small gas tragedy.

THE DEPUTY CHAIRMAN: That gas tragedy we cannot discuss in this House.

SHRI V. NARAYANASAMY (Pondicherry): He is not N. T. Rama Rao.

SHRI J. VENGAL RAO: It may be recalled, Madam, that there was a volley of criticism when the case was initially filed in USA saying that we should not have gone to a foreign country to seek redressal for something which had happened in India. Little did they realise that Indian courts could not have exercised jurisdiction over Union Carbide Corporation unless we went to USA. If we had initiated action in India without obtaining the presence of Union Carbide USA, it is inconceivable that any decree in excess of the assets of Union Carbide in India could have been executed elsewhere. The result would have been that we would have had to rest satisfied with a meagre amount. In fact, Madam, if I understand my friends correctly, the scenario suggested by them would imply that, we should not have gone to USA, but should have filed the case in India, against a U.S. Corporation, with assets in the USA, and at the same time sought the enforcement of U.S. case law in India. Madam, if Bhopal was one of the bggest industrial disasters, the course of litigation suggested by my friends in the Opposition would have created a bigger disaster...*(Interruptions)*...I am not going to yield. There is another important aspect of the matter. In case the Government had not taken initiative and filed the suit in USA on behalf of all the victims, it would have resulted in two things; firstly, the case in respect of all the victims in all its ramifications would have not been taken into account. Sec-

ondly, if the matter had been left at the hands of private plaintiffs, it is apparent that the case would have settled for an amount considerably lower than even 300 million dollars since during the proceedings in USA, the attorneys for the private plaintiffs were pressing for a settlement from the outset so that the matter could have been concluded and they would have got their returns. In fact, it is for the first time that any Government has taken such an initiative to fully protect the interests of all the victims in this complex litigation fraught with several legal difficulties. *(Interruption).*

SHRI SUKOMAL SEN (West Bengal): Madam, I am on a point of order.

SHRI J. VENGAL RAO: No point of order.

SHRI KAMAL MORARKA: How can he decide the point of order?.

(Interruptions)

THE DEPUTY CHAIRMAN: Actually, none of you are in the Chair except me. There is no need to be agitated. I do not think there is anything in the speech which can raise a point of order. You first listen to him and then you can say. *(Interruptions)*

SHRI SUKOMAL SEN: I am raising my point of order. *(Interruptions)*

THE DEPUTY CHAIRMAN: I want to listen to what he says.

SHRI SUKOMAL SEN: Madam, the hon. Minister just said that the Government has taken all care to protect the interests of the gas victims. Now, our contention was that by settling the case for a meagre sum, they have sacrificed the interests of the gas victims. Now, he has not proved how the interests of the gas victims have been protected. *(Interruptions)*

THE DEPUTY CHAIRMAN: Mr. Narayanasamy, would you reserve this right to me? Please be patient. Mr. Sukomal Sen, because too many Members are speaking, I really cannot place who is who. Mr. Sukomal Sen, the Minister is just going through his speech He has just started. Now, wait for a minute. Let him answer your queries. It is his point of view. Let him put his point of view. Now, there is no more point of order.

SHRI J. VENGAL RAO Madam, some are even now criticising us for having erred in accepting the judgement of Judge Keenan and agreeing to come back to India to fight the case. Sri Gurupadaswamy mentioned that the matter should have been pursued in USA. Perhaps, he is not aware that we fought this judgement right up the Supreme Court of USA. In fact, we had fought in the appellate courts in USA for the retention of all the conditions laid down by Judge Keenan because the Union Carbide after agreeing to all the conditions, moved an appeal for deletion of one of the conditions. The Appellate Court not only modified this condition but also deleted the important condition of satisfaction of decree of an Indian court by the UCC on the ground that it was not necessary in view of the existing provisions of the relevant statute. We went up to the Supreme Court on this but our writ petition was not admitted. Some have also criticised us for having categorically told the District Court, Bhopal, that we would now fight the case only in India. Sir, perhaps they are not aware that we could not continue the litigation in two forums and more so we could not continue with the litigation in USA in the light of the judgement of Judge Keenan, as modified by the U.S. Appellate Court and confirmed by the U.S Supreme Court.

Another line of criticism, when the case was in USA, was that we had not added to the image of our judiciary by saying that the case should be tried in USA. Eminent people had stated that our courts are fully competent to deal with the case and whatever innovations are required to bring the matter to an effective conclusion, our courts would be

competent to do so. Madam. I must make it clear that at no time, we had done anything to bring down the image of our judiciary. It is now for the House to judge as to who is bringing down the image of the highest court of this land. It must be recognised that while individuals have a right to have a view on a particular issue, the collective view of the highest court of the land has to be respected. In a litigation, there will be conflicting views of the two parties but they have to bow before judicial determination. Madam, the very basis of our democracy is enshrined and enforced through the main pillar of the Constitution, namely, the Judiciary. We must have faith in our judiciary. *(Interruptions)* They do not have faith in judiciary.

SHRI SUKOMAL SEN: Madam, what is he saying? He must answer the points raised.

THE DEPUTY CHAIRMAN: Mr. Sukomal Sen, please listen.

SHRI J. VENGAL RAO: I will answer every point.

SHRI PARVATHANENI UPENDRA (Andhra Pradesh): Instead of referring to Parliament, judiciary, democracy, he should answer the points.

SHRI B. SATYANARAYAN REDDY: The question is that the settlement that has been arrived at between the Government and the Union Carbide...

THE DEPUTY CHAIRMAN: I have not allowed any Member to speak. The Minister is on his legs. He is putting all the points together and replying. I cannot allow him to answer each and every Member standing up like this because we are short of time. If you want him to reply, please listen.

SHRI B. SATYANARAYAN REDDY: He is unnecessarily bringing in court's decisions, etc. He must confine himself to the points that have been raised here.

SHRI J. VENGAL RAO: May I also highlight some of the intricacies of this case. The Bhopal Gas Leak disaster litigation is a case of first impression on several counts. It is a case regarding the tortious liability of a multinational enterprise operating in a foreign country. It is a case involving the largest number of victims in an industrial disaster. It is a case in which the Government assumed responsibility to seek redressal in respect of the victims of the disaster in a foreign court. Consequently, the complexities were multifarious and bold steps had to be taken to deal with them. First and foremost, Parliament enacted a legislation conferring powers on the Central Government to ensure that the claims arising out of the Bhopal gas leak disaster are dealt with speedily, effectively, equitably and to the best advantage of the claimants. Therefore, Government of India, apart from acting in its capacity as parens patriae also had statutory powers to pursue the redressal of all such claims. Accordingly, Government was able to effectively file a suit in a US court where already a large number of private suits had been filed in the Federal as well as in the State courts. All the Federal Court cases were consolidated and placed before judge Keenan where Government of India also filed its suit.

Government had to engage the best legal talent both in India as well as in USA for handling the complex litigation in a foreign land. No doubt, the case was sent back to India, but the achievement of getting jurisdiction over Union Carbide Corporation, USA, should not be underestimated. In fact, without going through this exercise for obtaining jurisdiction, there was no other way for filing a case against Union Carbide Corporation, USA, in India because otherwise Indian courts may have not got jurisdiction over a foreign company.

The management aspect of the case in a foreign land under different foreign laws was also of a large dimension. Mas-

sive documentation had to be sent to our US attorneys. Interaction had to take place on a day-to-day basis with our US lawyers. Government had to set up a special cell for coordinating the multiplicity of issues relating to the case. These range from scientific, technical, medical, civil, criminal and several other related issues...

SHRI SUKOMAL SEN: It is a very boring, meaningless, reply. Madam, you judge it yourself. Is it a reply to the debate?

SHRI M. A. BABY (Kerala): Is it a reply to our points? Did we ask how may pages were there, how many documents were there?

THE DEPUTY CHAIRMAN: Please have patience. Please listen to him.

SHRI J. VENGAL RAO: Unfortunately they don't want a good reply.

Madam, even when the case came back to India, the Attorney General of India continued to be in overall charge of the case. A panel of expert lawyers had to be engaged for dealing with it. Since the case was filed in the District Court, Bhopal, a special team was posted at Bhopal for dealing with the matter on a day-to-day basis. Simultaneously, litigation continued in the Appellate Courts in USA and even thereafter in some of the State courts....

SHRI M. A. BABY : Everybody knows it.

SHRI J. VENGAL RAO: I am explaining how the Government is very much concerned in this case.

It is only through the sustained efforts of the Attorney-General and the panel of lawyers assisting him both in India as well as in USA, that it was possible to reach a stage in the Supreme Court where the matter could be resolved. In fact, the Supreme Court in the order dated 14th February, 1989, has commended the efforts of the Counsel for the parties for their dedicated assistance.

If Government had not assumed responsibility for the case, it is inconceivable that any private lawyer could have taken over all the cases. In fact, some attempts were made when the case was in USA to take up cases privately but the motive for doing so soon became apparent when these private lawyers showed inclination in settling the case with Union Carbide for an amount less than 50 per cent of what was awarded by the Supreme Court.

Madam, I must also clarify some of the important issues. The first and the foremost is the fact that the amount of compensation of US$ 470 million decided for the case was found to be just, equitable and reasonable by a five-member Constitution Bench of the Supreme Court. Based on this finding, it was agreed that the matter could be settled. In fact, the terms of settlement were consequential to the directions and orders passed by the Honourable Court.

The next important issue is whether the amount so awarded is adequate for the case. Several US cases have been cited in support of the contention that it is inadequate. Some of them have been cited without bringing out the real fact as to whether the money has actually flowed to all the victims even now. In fact, the answer is in the negative and perhaps that is the reason why that point has not been brought out. Through various legal strategies, compensation had not been paid to many of the victims in those cases and may not be paid for an indefinite number of years. On the other hand, there are cases like that of Agent Orange where a considerable lower amount of money has been awarded by the US court in respect of a large number of US war veterans. Another argument has been mentioned that Union Carbide had offered higher amounts as compensation and that we have settled for a lower figure Madam, it is incredible that such a thing will take place and that too when all negotiations with Union Carbide were subject to an important condition, namely, in the event an agreement is reached,

it would have to be put before the competent court, seized with the case, for the purpose of deciding whether it was just, equitable and reasonable. This was the basis of all negotiations, whether the case was in USA or in India...

SHRI M. A. BABY: This is horrible, so boring. Madam, let him refer to our points. What is he replying to?

SHRI KAMAL MORARKA: This is the real disaster.

THE DEPUTY CHAIRMAN: Please let him speak. Please sit down. Let him finish Listen to him patiently. I heard patiently all of your speeches and you cannot listen to the Minister's speech?... *(Interruptions)* ... Please sit down ... *(Interruptions)*...

SHRI M. A. BABY: Let him reply to the points that were made by us. What is this? ... *(Interruptions)* ... Let him reply to our points...*(Interruptions)*...

THE DEPUTY CHAIRMAN: Please sit down ...*(Interruptions)*...

SHRI J. VENGAL RAO: For the purpose of deciding whether it was reasonable, ...*(Interruptions)*...

THE DEPUTY CHAIRMAN: Please sit down...*(Interruptions)* ... It is not only the Opposition which made some points, but there are some other Members also who made some points and the Minister has answerability to the whole House and not to individuals alone. Therefore, please sit down ...*(Interruptions)*...

SHRI B. SATYANARAYAN REDDY: What we want is a reply to what we have said...*(Interruptions)*...We want a reply to our points... *(Interruptions)*...

SHRI M. A. BABY: We made many points and we want a reply to them...*(Interruptions)*...

SHRI J. VENGAL RAO: The fact is that we could not arrive at an agreed figure The highest figure that the Union Carbide Corporation has ever offered US $ 300 million with an indication that efforts would be made to get another $50 million. In fact, this amount was also offered only because we had refused all other previous offers which were substantially lower and which had found acceptance with lawyers for private plaintiffs. Various other figures have been quoted of which we are not aware. It must be noted that the present value of payment made over a period of time is less than the gross amount that may have been paid. For instance, if $ 500 million is to be paid at the rate of $ 50 million in ten years, the net present value discounted at ten per cent comes to about $ 300 million only. This important fact has been lost sight of when some Members said that Union Carbide had made offers of $ 600 million. While we are not aware of any such offer, as per newspaper reports, this involved payments over a number of years. The decision of the Supreme Court ensures that the entire amount of $ 470 million is coming on or before the 23rd March, 1989 and, therefore, the net present value which is the relevant figure to be considered is $ 470 million. I am not for the moment saying that our case would have continued endlessly. But the fact is that four years have gone by with interlocutory matters without really getting into the case proper. In fact, even in November, 1987, the Madhya Pradesh High Court found that there had been no delay which was not legally warranted...*(Interruptions)*...We must remember that we were, dealing not only with a very complex case, but also unique in character...

SHRI B. SATYANARAYAN REDDY: The Minister is not replying to the points made by the Members in this House...*(Interruptions)*.

SHRI M. A. BABY: Let the Minister lay it on the Table of the House ... *(Interruptions)*...Let the Minister lay his speech on the Table of the House and then reply to our points...*(Interruptions)*

SHRI PARVATHANENI UPENDRA: It is no reply, let him be brief and reply to the points that have been made ...*(Interruptions)*...

THE DEPUTY CHAIRMAN: If you do not want to listen to the points which you raised, there are other points which other Members have raised and to the whole thing the Minister is trying to reply. If you do not want to listen, I will have to ask him to lay it on the Table of the House. Therefore, please listen...*(Interruptions)*...

SHRI PARVATHANENI UPENDRA: You save us from the trouble...*(Interruptions)*...

SHRI J. VENGAL RAO: In view of the complexity of the case and the fact that even after four years we are still at interlocutory stage for no fault of ours, if the actual resolution of the case to the point of actual payment of money took a much longer time, ...*(Interruptions)*....

SHRI PARVATHANENI UPENDRA: Will you allow him to continue like this? We are not interested in all this cock-and-bull story and we do not want this. Let him explain the reason for this betrayal, the betrayal of the victims...*(Interruptions)*...

THE DEPUTY CHAIRMAN: If you do not listen, how would you know?...*(Interruptions)*...

SOME HON. MEMBERS: We are all walking out ...*(Interruptions)*...

(At this stage, some hon. Members left the Chamber.)

SHRI J. VENGAL RAO:...then the net present value of even US $ 3 billion would be considerably less and depending on the actual time taken for obtaining the decree and its execution, it may well have been that the net present value of the amount that we may have actually got would be even less than the amount decided as just, equitable and reasonable by the highest court of the land. It may be stressed here that the proceedings before the High Court and the District Court had resulted in some precise estimations of the value of the suit. Therefore, it would be wrong to say that the amount determined as just, equitable and reasonable is without basis.

There is another concern which I would like to share with you. Certain cases were pending before a State Court in the USA which had determined that it had jurisdiction for the purpose of settlement of the case. The motion for certification of class was already before that court. Several complex problems would have arisen in the event that motion was admitted in that court particularly at the time of enforcement of any decree whether it be interim or final. Certain other unique complexity had arisen during the pendency of the case. There was a threat of a take over of Union Carbide Corporation. What would have happened if such a take over was effected in piecemeal by more than one company? How would the liability of Union Carbide Corporation be established against all these companies? I am not just raising theoretical issues to bring out the complexities of the case. I am stressing on complex issues which we had to handle during the chequered history of this complex litigation.

Much has been made by some Hon'ble Members and understandably so that we have missed an opportunity to establish legal precedence to hold Union Carbide liable. Without going into the details of the matter I would only say that the court order has directed Union Carbide to pay the amount US $ 470 million. This is for the first time that a parent company is paying for the act of what it said was or its subsidiary. This by itself is a unique precedent. Since the matter is before the Hon'ble Supreme Court till 4th April, 1989 when compliance is to be reported, I would not like to dwell on the legal issues of the matter at this stage. I may only mention at this stage that in our Civil Appeal to the Supreme Court we

had sought determination of liability of UCC and prayed for any order which may be deemed necessary in the interests of the gas victims and in the interests of justice. Therefore, it would not be correct to say that the matter before the Supreme Court was limited to the issue of interim compensation.

Some have also raised the question that the settlement was agreed by the Government so that it could form part of the Government Budget. In fact one press report was so carried away that this was treated as an act of revenge but later clarified that what was intended to be used was the word "revenue" and not the word "revenge". I may assure this House that Government has no intention of appropriating to itself any amount from $ 470 million awarded by the Supreme Court, towards meeting the expenditure incurred by it on relief and rehabilitation, until and unless the needs of all the vicitims are fully met. There should be no mis-apprehension on this account. Further, the victims will continue to receive the best treatment that medical facilities can provide for their health and welfare. There is no question of this expenditure being taken out of the amount of settlement. Further, not only the ongoing scientific and medical research will continue, but such further research as may be found necessary in future, will also be taken up for ensuring that the victims get the full benefits that will flow from such research.

In fact, we had taken up cudgels on behalf of the victims to fully protect their interests and to get them prompt relief. As I have already mentioned this House had enacted a Legislation conferring powers on Government to deal with the claims arising out of the Bhopal Gas Leak Disaster "speedily, effectively, equitably and to the best advantage of the claimants". Our sympathies have always been with the victims They are the sufferers of one of the worst industrial disasters and no effort has been spared nor will be spared for looking after their welfare.

I have also noted the suggestions made by the Hon'ble Members for ensuring that the compensation amount is disbursed impartially, speedily and effectively. We already have a statutory mechanism for doing this. We will certainly be subject to any further direction from the Supreme Court on this matter. One point, we will certainly stress is that the amount is so disbursed that the victims will get a substantial monthly income for the rest of their lives. As regards the withdrawal of cases against those who were involved in agitations for the redressal of grievances of the victims, I would say that it comes within the purview of the State Government. I hope that the State Government will deal with these cases sympathetically and get them withdrawn. I will convey the sentiments expressed by the House to the State Government.

I must plead with all the Members to consider the decision of the highest court of this land with an open mind so that the uniqueness and the boldness of the decision in the interest of the victims is fully appreciated. Money cannot surely compensate for the loss of near and dear ones but any unreasonable delay would further distort the matter. What the victims required was immediate and susbstantial relief which the court felt necessary to provide and at the same time was equitable and reasonable. In fact, now we should address ourselves to ensuring that the amount received is disbursed promptly, effectively to the right people and in a manner that would be in their best interest. We have already established a statutory mechanism for doing so. I would certainly welcome suggestions from the Hon. Members as to how this task should be completed promptly and effectively. If we are able to ensure this, we would have succeeded in meeting most of the aspirations of the victims.

SHRI JAGESH DESAI: Madam, I want to get clarification on one point.

Mr. Vajpayee said that he was told that they were prepared to pay 1000 million dollars and that he had informed the Government about it. I would like to know whether the Government had been informed by Mr. Vajpayee.

SHRI J. VENGAL RAO: We never heard of such an offer.

SHRI GHULAM RASOOL MATTO (Jammu and Kashmir): There was a suggestion that an independent authority should be created under the Supreme Court of India so that there is equitable distribution. The Minister has not replied to it.

SHRI J. VENGAL RAO: Vajpayee Ji mentioned 600 million. We never heard of such a proposal.

SHRI JAGESH DESAI: What about withdrawal of cases?

SHRI J. VENGAL RAO: I have already replied to it.

श्री सुरेश पचौरी: महोदय, मैंने मंत्री जी से यह जानकारी चाही थी कि केन्द्रीय सरकार ने अभी तक 91 करोड़ की राशि गैस से प्रभावित लोगों के लिए दी है जिसमें से राज्य सरकार 89 करोड़ रुपये खर्च कर चुकी है तो यह राशि क्लेम में से न काटी जाये। एक तो यह निवेदन किया था और दूसरा यह ब्याज रहित राशि हो। तीसरे जो अनुसंधान वहां चल रहा है आफ्टर अफेक्ट्स जैसे पशुओं पर, वहां की वनस्पति पर, मानव जाति पर उसको मद्देनजर रखते हुए आई०सी०एम०आर० की एक्टीविटी जारी रखी जाए। चौथे जो स्टेट गवर्नमेंट ने एक्सन प्लान दिया है 7 साल का 371.29 करोड़ रूपये का यह खर्चा केन्द्रीय सरकार वहन करे। यह मैंने अनुरोध किया था। अंतिम अनुरोध यह किया था कि जिस प्रकार यूनियन कार्बाइड से संबंधित लोगों के खिलाफ अपराधिक प्रकरण खत्म कर दिया गया है, अपराध से उन्हें मुक्ति दी गयी है ठीक उसी प्रकार समाजसेवी संगठन या वे लोग गैस से प्रभावित लोगों की आवाज उठा रहे हैं क्या उनके खिलाफ भी अपराधिक प्रकरण उठाने की बात सरकार सोच रही है? इस संबंध में घोषणा मंत्री जी से चाही थी।

SHRI J. VENGAL RAO: The Government has spent nearly 85 crores and we are not going to deduct this amount from the amount of compensation. His second point was about the withdrawal of cases. I will certainly request the Chief Minister to withdraw the cases. About his third point, we will certainly continue all these research stations and hospitals. We will certainly continue them. Regarding his fourth point, we have released 10 crores of rupees more for the Madhya Pradesh Government for this financial year.

THE DEPUTY CHAIRMAN: He has answered all the points. Now we will go to the Motion of Thanks.

SHRI SURESH PACHOURI: I was talking about the 7-year Action Plan.

THE DEPUTY CHAIRMAN: They will look into it. He cannot answer on the floor of the House about the Action Plan like this.

SHRI SURESH PACHOURI: I am asking about 7-year action plan.

THE DEPUTY CHAIRMAN: They will look into it. He cannot answer on the floor of the House like this about the Action Plan.

SHRI A. G. KULKARNI: I want to know one thing from the Minister. The main point is that the Supreme Court has ordered extinguishing all the liabilities on behalf of the Government. I want to know specifically whether the individuals who have done some criminal act and negligence can be prosecuted by the State Governments and whether the compensation to those individuals can be paid out of this

SHRI J. VENGAL RAO: Madam, they have to pay the amount by 23rd March. On 4th, the Supreme Court will give the final decision. After that, I will answer this question.

THE DEPUTY CHAIRMAN: Actually, the Government will look into it. That is what the Minister means.

SHRI A. G. KULKARNI: After 31st March, what will he do? What he is going ...

THE DEPUTY CHAIRMAN: Now the Motion of Thanks ..

SHRI A. G. KULKARNI: No, Madam. Is he going to satisfy the claims of those people who are ..

THE DEPUTY CHAIRMAN: Mr. Kulkarni, I have not permitted you. Please sit down.

SHRI A. G. KULKARNI: I want to know from him.

THE DEPUTY CHAIRMAN: No. You cannot know anything. Please sit down. I have not permitted you to enquire anything.

SHRI A. G. KULKARNI: I am not asking for your permission to sit down. I am asking him .

THE DEPUTY CHAIRMAN: Mr. Kulkarni, you are a very senior Member of this House. You need my permission to do anything in this House. Please sit down.

SHRI A. G. KULKARNI: Not for sitting down. For raising a question ..

THE DEPUTY CHAIRMAN: Please sit down. Now the Motion of Thanks— Mr. P. N. Sukul. *(Interruptions)*

SHRI J. VENGAL RAO: Without the permission of the Chair, I cannot say anything.

THE DEPUTY CHAIRMAN: Now the Motion of Thanks on the President's Address.

MOTIONS OF THANKS ON THE PRESIDENT'S ADDRESS

श्री पशुपति नाथ सुकुल (उत्तर प्रदेश): महोदया, मैं प्रस्ताव करता हू कि :

> राष्ट्रपति के प्रति निम्नलिखित रूप मे कृतज्ञता ज्ञपित की जाय—
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> "राष्ट्रपति, ने 21 फरवरी, 1989 को संसद् की दोनों सभाओं की सम्मिलित बैठक में कृपया जो अभिभाषण दिया है, उसके लिये राज्य सभा के सदस्य, जो सभा के वर्तमान सत्र मे उपस्थित हैं, राष्ट्रपति के प्रति अपनी हार्दिक कृतज्ञता ज्ञापित करते हैं।

उपसभापति महोदया, मुझे हर्ष है कि इस कृतज्ञता प्रस्ताव के द्वारा मेरी पार्टी ने मुझे राष्ट्रपति के अभिभाषण पर बहस का श्रीगणेश करने का अवसर दिया है उसके लिए मैं अपनी पार्टी और नेतृत्व का कृतज्ञ हूं। राष्ट्रपति के अभिभाषण की परम्परा हमने इंगलैण्ड से ली है। इंगलैण्ड में इसी प्रकार से राजा या रानी संसद् के दोनों सदनों की संयुक्त बैठक को संबोधित करते हैं और तदनुसार हमारे यहां भी राष्ट्रपति महोदय किसी वर्ष के आरम्भ में संसद् के दोनों सदनो की सयुक्त बैठक को सबोधित करते हैं। अभिभाषण में सरकार की नीतियों का उल्लेख करते हुए यह अपेक्षा की जाती है कि राष्ट्रपति महोदय विगत वर्ष की उपलब्धियों का एक त्वरित सर्वेक्षण करेगे और यदि हम इस चीज को देखें तो हमारे राष्ट्रपति महोदय का अभिभाषण पूर्णत. युक्तियुक्त और समीचीन प्रतीत होता है। अभिभाषण में स्वर्गीय पंडित जवाहरलाल नेहरू द्वारा प्रतिपादित राष्ट्रीयता, लोकतंत्र, धर्मनिरपेक्षता, समाजवाद एव गुटनिरपेक्षता के सिद्धान्तों की चर्चा की गई है जिन पर आज भी देश चल रहा है। इन सार्वभौम सिद्धान्तों को बनाये रखकर संसार का कोई भी देश सम्मानपूर्वक अपनी स्वतंत्रता को अक्षुण्ण रखते हुए न केवल हर दिशा में प्रगति कर सकता है वरन् विश्व-बन्धुत्व की भावना को फैलाने मे अपना योगदान भी दे सकता है। नेहरू जी एक अग्रणी स्वतंत्रता सेनानी ही नहीं थे, वे इसके अतिरिक्त भारत के प्रथम प्रधानमंत्री भी थे। 18 वर्षों तक उन्होंने हमारी सरकार का संचालन किया था। अतः राष्ट्रपति जी द्वारा अभिभाषण के आरम्भ में उनका स्मरण करना और उन्हें देश की, देश की जनता की ओर से और संसद् की ओर से श्रद्धा सुमन अर्पित करना पूर्णतः उचित था क्योंकि हम इस वर्ष श्री जवाहरलाल नेहरू जी की जन्म शताब्दी मना रहे हैं और अगले वर्ष जब अभिभाषण होगा तो यह शताब्दी समाप्त हो चुकी होगी। इसी वर्ष हमें उन्हे, उनके प्रति श्रद्धा अर्पित करनी है। नेहरू जी ने जिन सिद्धान्तों की आधारशिला रखी उन पर चलकर कोई भी देश अपना अभीष्ट प्राप्त कर सकता है। और हमने भी अपना बहुत कुछ विकास इन्हीं सिद्धान्तों पर चलकर किया है और विश्व में अपनी साख बनाई है। नेहरू जी के दिखाये मार्ग पर ही, उन्हीं सिद्धान्तों पर श्रीमती इंदिरा गाधी भी
4 p.m. आजीवन चली और अब हमारे वर्तमान प्रधानमंत्री श्री राजीव गांधी जी भी उसी मार्ग पर अग्रसर है। नेहरू जी और इंदिरा जी दोनों का यह ठोस विचार था कि प्रत्येक देश की प्रभुसत्ता और अखंडता और अन्य देशों के प्रति उसकी शांतिपूर्ण सह-अस्तित्व की भावना न केवल उसे आगे बढ़ा सकती हैं वरन् अन्य देशों के साथ सम्मानजनक एंव मित्रतापूर्ण ढंग से कार्य करने की स्वतंत्रता प्रदान कर